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IN THE

Supreme Court of the United States

OCTOBER TERM, [redacted] 1970

No [redacted] 190

UNITED TRANSPORTATION UNION,

Petitioner,

v.

CHICAGO AND NORTH WESTERN RAILWAY COMPANY,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

BRIEF FOR RESPONDENT IN OPPOSITION

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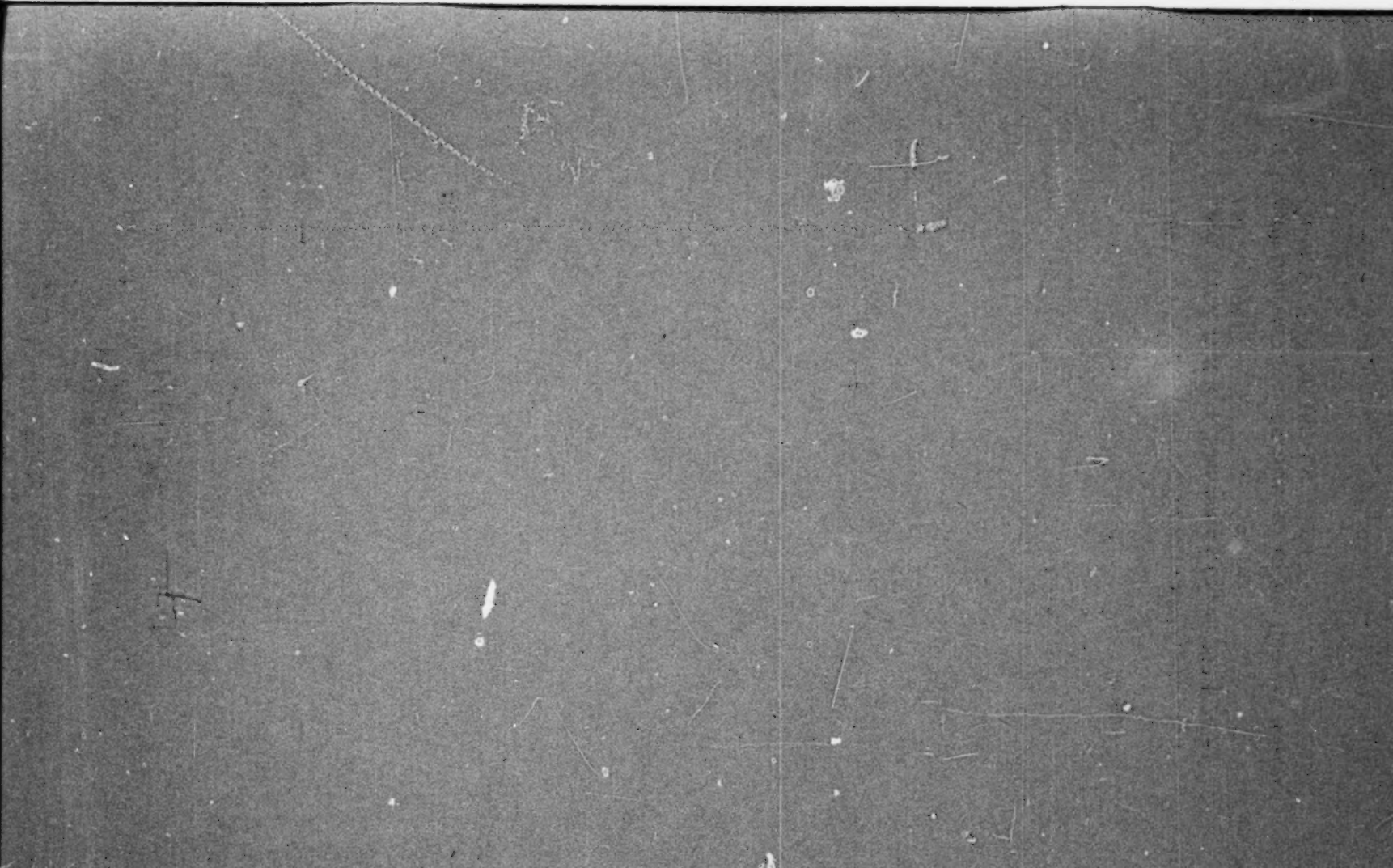

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1969

No. 1617

UNITED TRANSPORTATION UNION,

Petitioner,

v.

CHICAGO AND NORTH WESTERN RAILWAY COMPANY,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

BRIEF FOR RESPONDENT IN OPPOSITION

Opinions Below

The opinion of the court of appeals is reported at 422 F.2d 979 and is set forth as Appendix A to the petition for certiorari. The order of the district court is not reported, but is of course contained in the record.[1] Related findings of fact and conclusions of law by the district court are set forth in Appendix C to the petition for certiorari in *Chicago and North Western Railway Company v. United Transportation Union*, No. 1616 (O.T. 1969).

[1] Because the proceedings in the court of appeals were expedited, there is no appendix.

Jurisdiction

The judgment of the court of appeals was entered on March 6, 1970. The petition invokes the jurisdiction of this Court under 28 U.S.C. § 1254(1).

Question Presented

In this case, respondent railroad sought an injunction against a strike by petitioner union on the ground that the union had not complied with its obligation under Section 2 First of the Railway Labor Act (45 U.S.C. § 152 First) "to exert every reasonable effort to make and maintain agreements." The district court dismissed the action on the ground that the federal courts do not have jurisdiction to enforce that provision of the Railway Labor Act. However, recognizing that there were decisions of other courts to the contrary, that a strike by petitioner union would as a practical matter probably require the respondent to abandon its appeal, and that a strike would in addition cause serious and irreparable damage to the railroad and the public, the district court granted a strike injunction pending appeal. The question presented is whether the district court had jurisdiction to take that action in view of the anti-injunction prohibitions of the Norris-LaGuardia Act, 29 U.S.C. §§ 101 *et seq.*

Statutes Involved

The statutes involved are the Norris-LaGuardia Act, 29 U.S.C. §§ 101 *et seq.*, and the "All Writs Act," 28 U.S.C. § 1651. The relevant provisions are set forth in Appendix B to the petition for certiorari.

Statement

The petition by the United Transportation Union ("UTU") seeks review of the same court of appeals judgment that is involved in the petition of respondent Chicago and North

Western Railway Company ("C&NW") in No. 1616, *Chicago and North Western Ry. Company v. United Transportation Company* (O.T. 1969). However, the issues raised in these two petitions are entirely unrelated. In No. 1616, the C&NW seeks review of the court of appeals holding that Section 2 First of the Railway Labor Act (45 U.S.C. § 152 First) is not judicially enforceable. In this petition, the UTU seeks review of the court of appeals holding that a federal district court has jurisdiction, notwithstanding the provisions of the Norris-LaGuardia Act (29 U.S.C. §§ 101 *et seq.*), to enjoin a strike pending appeal after that court has decided that the injunctive relief sought by the plaintiff in its complaint is barred by Norris-LaGuardia. The facts relevant to the question of the justiciability of Section 2 First are, of course, set forth in the C&NW's petition in No. 1616. The facts relevant to the Norris-LaGuardia issue raised in this petition by the UTU, which are quite uncomplicated, are stated in full in the court of appeals opinion. Those facts may be summarized as follows:

On November 19, 1969, the C&NW sued the UTU in the United States District Court for the Northern District of Illinois seeking an injunction against a strike threatened by the UTU. The basis for the suit was the C&NW's claim that the UTU, in its negotiations with the C&NW, had not discharged its obligation under Section 2 First of the Railway Labor Act (45 U.S.C. § 152 First) to bargain in good faith, or, more precisely, to exert "every reasonable effort" to settle the dispute between the parties. After issuing a temporary restraining order, receiving briefs on the C&NW's motion for a preliminary injunction, and hearing the C&NW's witnesses on that motion, the district court, at the conclusion of the C&NW's case, granted the UTU's motion to dismiss the complaint upon the ground that the federal courts have no jurisdiction to decide claims under Section 2 First.

At the time that he orally announced his decision to dismiss the complaint, the district judge acknowledged that, as the court of appeals put it in its opinion, "there was case law contrary to [his] decision." 422 F.2d at 982; Pet. App.

A p. 7.[2] That case law, as the court of appeals noted, included the very recent decision by the Court of Appeals for the Fourth Circuit in *Piedmont Aviation, Inc. v. Air Line Pilots Ass'n Int'l,* 416 F.2d 633 (1969), *cert. denied,* 397 U.S. 926 (1970).[3] Accordingly, the district judge indicated that he would entertain favorably a motion by the C&NW for an injunction pending appeal (Tr. 527-28). Subsequently, upon the basis of a formal motion by the C&NW, the district judge granted that injunction, finding that:

> ". . . defendant United Transportation Union may engaged in a strike against plaintiff if not enjoined therefrom pending appeal, it appearing further that such a strike likely would result in a mooting of the appeal, and it appearing further that such a strike would irreparably injure plaintiff and the public in that plaintiff would be forced to suspend the transportation of passengers and freight, with the consequences that plaintiff would be deprived of hundreds of thousands of dollars in revenues each day the strike continued, many of its employees would be deprived of their employment and wages for the duration of the strike, many businesses and governmental agencies would be deprived of essential transportation services, and railroad transportation in a large area of the United States would be seriously impaired so as to impede seriously the transportation in interstate commerce

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[2]The district judge said:

> "I am convinced that this is a matter for the National Mediation Board. I am asked to review it, and I have no jurisdiction to do it, having in mind the Norris-LaGuardia Act, in my judgment. I must apply the law as I believe it is. I recognize the fact that the plaintiffs have cited some cases. There may be some confusion. Some of the other courts have made decisions that I am not prepared to follow because I think I have got to follow the Supreme Court's decisions, myself, on this matter" (Tr. p. 526).

[3]For the many other cases contrary to the lower courts' view respecting the justiciability of Section 2 First, see the petition in No. 1616.

> of passengers, mail, freight and express lading (including Government mail and express, military personnel, and material), and food and other lading essential to the public health and safety . . ." (Order of December 12, 1969).

On the same day that the district court's judgment dismissing the C&NW's case and its order granting the injunction pending appeal were entered, both parties filed their notices of appeal, the C&NW raising the issue of the justiciability of Section 2 First and the UTU raising the issue of the validity of the injunction pending appeal. Three days later, on December 15, 1969, the UTU filed in the court of appeals a motion to vacate the injunction pending appeal, the UTU's principal contention being that the injunction was invalid under the prior Seventh Circuit decision in *Elgin, J. & E. Ry. v. Brotherhood of R. R. Trainmen,* 302 F.2d 545 (1962). Four days later, on December 19, 1969, the court of appeals in substance denied the UTU's motion by ordering that the motion "be taken with the case," but also ordered that the C&NW's appeal and the UTU's appeal be consolidated and expedited. The briefing and argument schedule was sharply telescoped. The C&NW was given ten days for its brief and the UTU an additional six, and the argument was held immediately following, on January 7, 1970.

In its decision of March 6, 1970, the court of appeals affirmed the district court in all respects. The judgment of the court of appeals against the C&NW, which was based upon endorsement of the district court's determination that Section 2 First of the Railway Labor Act is not justiciable, is the subject of the C&NW's petition in No. 1616. The subject of the UTU's petition here at issue is the court of appeals holding

> "that the Norris-LaGuardia Act does not prohibit the district court from granting an injunction pending appeal even though the court determines that Norris-LaGuardia prohibits an injunction below." 422 F.2d at 983; Pet. p. A-8.

In so ruling, the court of appeals reversed its prior decision in the *Elgin* case. In that connection, the court noted that this action was agreeable to the full membership of the court:

> "Since this opinion overrules Elgin J. & E. Ry. Co. v. Brotherhood of Railroad Trainmen, 302 F.2d 545 (7th Cir. 1962), we have circulated it to the full active court. No judge has requested a hearing *en banc.*" 422 F.2d at 985 n. 11a; Pet p. A-13 n. 11a.

Reasons for Denying the Writ

In this case, the court of appeals, having had seven years of experience under the rule urged by petitioner that would deny the federal courts power in any circumstances to issue an injunction pending appeal in a labor dispute, reversed the decision which had established that rule. *Elgin, J. & E. Ry. v. Brotherhood of R.R. Trainmen,* 302 F.2d 545 (1962). In so doing, it brought the law in the Seventh Circuit in accord with the practice in every other federal court, including this Court. The reasons assigned by the court of appeals for its decision, moreover, are persuasive. There is, accordingly, no occasion for further review.

1. As the court of appeals noted, its decision corresponds with the views of other courts of appeals.

> "Although this issue has not been discussed in depth by other courts of appeals, the circuits which have been faced with the problem of district court injunctions pending appeal in a labor dispute have acted consistently with our decision in this appeal. See Missouri-Kansas-Texas RR. Co. v. Brotherhood of Railroad Trainmen, 342 F.2d 298 (5th Cir. 1965); Texas and N.O.RR. Co. v. Brotherhood of Railroad Trainmen, 307 F.2d 151, 153, 163 (5th Cir. 1962); Pan American World Airways v. United Brotherhood of Carpenters, 324 F.2d 217 (9th Cir. 1963); the district court, though denying a preliminary injunction, granted a 10-day stay to preserve the status quo pending appeal to the Court of Appeals); Nor-

folk & P.B.L. RR. Co. v. Brotherhood of Railroad Trainmen, 248 F.2d 34 (4th Cir. 1957; the district court ordered the temporary injunction dissolved, though by supplemental order, the execution of the court's judgment was suspended pending appeal by the carrier)." 422 F.2d at 985; Pet. pp. A.-12-13.

This catalog, moreover, which includes the Fourth, Fifth, and Ninth Circuits, is not complete. To it should be added the following:

a. *This Court.* In *Brotherhood of R.R. Trainmen v. Atlantic C.L. R.R.*, 362 F.2d 649 (5th Cir. 1966), the court of appeals ruled invalid under Norris-LaGuardia an injunction which had been issued by the district court. The carrier then applied to Mr. Justice Black for an injunction pending the filing of, and action upon, a petition for certiorari. The matter was referred by Mr. Justice Black to the full Court, which granted the "application for reinstatement of the limited preliminary injunction" of the district court. *Atlantic C.L. R.R. v. Brotherhood of R.R. Trainmen,* 384 U.S. 967 (1966) (Stay order), 385 U.S. 20 (1967). While the union raised no objections to the injunction or jurisdictional grounds, if petitioner's view of the reach of Norris-LaGuardia urged in the case at bar were correct, then this Court would have been without jurisdiction to grant the injunction; for the construction of Norris-LaGuardia urged by the UTU admits of no discrimination among the levels of the federal judiciary.[4]

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[4]Petitioner says that the phase "court of the United States" (see Sections 1, 4, 5, and 7 of the Norris-LaGuardia Act, 29 U.S.C. §§ 101, 104, 105, and 107) "was chosen [by the Congress] so as to limit the jurisdiction of all of those courts created by Congress under Article 3 of the United States Constitution" (Pet. p. 9). Accordingly, we understand petitioner's position to be that once the district court has decided on the merits that Norris-LaGuardia bars an injunction, *no* court can issue an injunction pending appeal. A different position—one that would bar only the district court—would result in depriving of authority the court with intimate knowledge of the case and in investing that authority instead exclusively in courts more remote from the controversy. Petitioner has not, as we have indicated, suggested that the Congress intended such a consequence in enacting Norris-LaGuardia.

b. *The lower federal courts.* In addition to the cases cited by the court of appeals in the case at bar, which arose in the Fourth, Fifth, and Ninth Circuits, we have found cases in the District of Columbia, Second, and Eighth Circuits that accord with the decision below and are inconsistent with the *Elgin* decision and the position urged by petitioner. We have also discovered additional cases in the Fifth and Ninth Circuits.[5] In each of these cases the district court had decided that Norris-LaGuardia precluded plaintiff's claim for injunctive relief. Nevertheless, in each of these cases the court of appeals—or with respect to two of them, the district court in action noted without disapproval by the court of appeals—either granted an injunction pending appeal or stayed a mandate in circumstances where the result was to continue an injunction pending appeal. In at least one of them, moreover—as well as in the *Pan American World Airways* case cited by the court of appeals below—the *Elgin* decision was urged by the union in opposition to the motion for relief pending appeal.[6] The cases are as follows: *Brotherhood of R.R. Trainmen v. Atlantic C.L. R.R.*, 383 F.2d 225 (D.C. Cir. 1967), *cert. denied*, 389 U.S. 1047 (1968) (Order of October 10, 1967, in No. 20,718) (*Elgin* urged by union in Objection to Motion by Appellees for Stay of Mandate or of Transmission of Opinion and Certified Copy of Judgment, pp. 4, 5-6); *Chicago, R.I. & P.R.R. v. Switchmen's Union*, 292 F.2d 61 (2d Cir. 1961), *cert. denied*, 370 U.S. 936 (1962) (see Petition for Certiorari in No. 237, O.T. 1961, p. 9);[7] *Donnelly Garment*

[5]It is perhaps worthwhile noting that all of the unreported orders and pleadings cited herein were also cited by respondent in the court of appeals below, so that petitioner has had ample opportunity to, but has not, challenged their authenticity.

[6]As to *Pan American*, 324 F.2d 217, 218 (9th Cir. 1963), see appellee's Memorandum of Points and Authorities in Opposition to Motion For Injunction Pending Appeal in the court of appeals, pp. 22-23. Thus, petitioner is in error in stating that "the union in those cases did not raise the point here involved" (Pet. pp. 9-10).

[7]Petitioner observes that the *Chicago, R.I.* case was cited by the Seventh Circuit as analogous precedent for its decision in *Elgin* (Pet.

[continued]

Co. v. International Ladies' Garment Workers' Union, 99 F.2d 309, 317 (8th Cir. 1938); *Order of Ry. Conductors v. Spokane, P. & S. Ry.*, 366 F.2d 99 (9th Cir. 1966) (Order of October 27, 1966, in No. 20,331), *cert. den.*, 385 U.S. 1025 (1967); *Butte, A. & P. Ry. v. Brotherhood of Locomotive Fire. & Eng.*, 268 F.2d 54, 58 (9th Cir. 1959); *Brotherhood of R.R. Trainmen v. Central of Georgia Ry.*, 229 F.2d 901 (5th Cir. 1956) (Order of April 11, 1956, in No. 15,671), *dismissed as moot*, 352 U.S. 995 (1957); *Missouri-K.-T. R.R. v. Brotherhood of R.R. Trainmen*, 342 F.2d 298, 299 n. 1 (5th Cir. 1965).

2. The experience of the Seventh Circuit Court of Appeals in the years between its decisions in *Elgin* and in the case at bar is instructive, for it suggests the practical inappropriateness of the *Elgin* rule. The fact is that, as its actions demonstrated, even before overruling *Elgin* the court of appeals found that it could not live with the *Elgin* rule and still do justice to the parties. This is what happened: In two cases, including *Elgin* itself, the court of appeals kept district court injunctions in effect pending appeal by staying its mandate to permit the carriers to seek review in this Court. Order of June 18, 1962, in *Elgin* (Nos. 13,444, 13,445 and 13,447); *Pullman Co. v. Order of Ry. Conductors*, 316 F.2d 556 (1963) (No. 13,844). Then, in *Akron, C. & Y. R.R. v. International Bro. of Electrical Workers*, the district court granted an injunction pending appeal despite Norris-LaGuardia and in the face of *Elgin*. See 51 CCH Lab. Cas. ¶ 19,431 (N.D. Ill. 1964), at pp. 32,930-31. The court of appeals then followed the procedure employed in the case at bar by refusing to grant a motion by the union to dissolve the injunction pending appeal and by ordering that

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[continued]
p. 7). But the briefs in *Elgin* disclose that no one had advised the Seventh Circuit that the Second Circuit in *Chicago, R.I.*, following its decision that the district court should not have issued an injunction because of the Norris-LaGuardia, nevertheless stayed its mandate and kept that injunction in effect pending disposition of a petition for certiorari.

motion taken with the case. A later settlement mooted the issue. (Orders of January 25 and February 5, 1965 in No. 14,946). Finally, and most recently, in a case where the district court had refused an injunction pending appeal upon the ground that *Elgin* controlled, the court of appeals itself *granted* the injunction against a strike pending appeal. *Chicago, M., St. P. & P. R.R. v. Brotherhood of Locomotive Fire. & Eng.* (Order of February 23, 1968 in No. 16744). Accordingly, the final and formal demise of *Elgin* hardly came as a surprise; and we suggest that, with respect to the need for further review, significant weight should be attached to the Seventh Circuit's considered and informed judgment, evidently shared by all members of that court (see *supra*, p. 6), that the position urged by petitioner is unsound.

3. The decision of the court below is correct. Because the court's opinion so carefully analyzes the relevant considerations, we here merely summarize them very briefly. First, the power of the federal courts to enjoin the maintenance of the *status quo* pending appeal is inherent in the judicial power and was first codified by the "All Writs Act" contained in Section 14 of the Judiciary Act of 1789, 1 Stat. 73, 81, *as amended*, 28 U.S.C. § 1651. *Scripps-Howard Radio, Inc. v. FCC*, 316 U.S. 4, 9-10 (1942); *Hovey v. McDonald*, 109 U.S. 150, 161 (1883). Second, absent Norris-LaGuardia at least, it is established that this power of the judiciary is unaffected by the fact that the lower court has denied relief on jurisdictional rather than on substantive grounds. *United States v. Shipp*, 203 U.S. 563, 573 (1906); *Pettway v. American Cast Iron Pipe Co.*, 411 F.2d 998 1002-3 (5th Cir. 1969); *United States v. Brown*, 281 Fed. 657, 663 (8th Cir. 1922); *Eastern Greyhound Lines v. Fusco*, 310 F.2d 632, 634 (6th Cir. 1962). Third, in judging whether the Congress, by enacting the Norris-LaGuardia Act, intended to strip the courts of this important and traditional inherent power, only an unambiguous expression of such a purpose will serve. *Scripps-Howard Radio, Inc. v. FCC*, 316 U.S. 4, 15 (1942). Fourth, as the court of appeals said,

"There is nothing in the text of the Norris-LaGuardia Act or in the legislative history surrounding the drafting and enactment of the Act indicating a Congressional intent to remove from the district courts their long-recognized power to grant injunctions pending appeal." 422 F.2d at 984; Pet. p. A-10.[8]

[8]In *Elgin*, the court said that the term "temporary injunction" in Norris-LaGuardia covered an injunction pending appeal. 302 F.2d at 545, 548. But in the context in which that term is used, it plainly enough refers only to preliminary injunctions. Thus, Sections 1 and 4 (29 U.S.C. §§ 101, 104) relate to "any restraining order or temporary or permanent injunction"—phrases of art commonly employed to cover only the actions taken by the district court prior to and including final judgment—temporary restraining orders, preliminary injunctions, and permanent injunctions. See also Section 10 of the Act (29 U.S.C. § 110) which, in prescribing the appellate procedure respecting "temporary injunctions," was designed to cover actions relating to preliminary injunctions, not injunctions pending appeal.

If there were any doubt about the point, that doubt would be resolved by examination of the legislative history referred to by the court below. In all the hearings, reports, and debates, we have been unable to discover, and the union has never cited, a single reference to the power of the federal courts to issue injunctions pending appeal. And that legislative history is extensive indeed. Anti-injunction bills were introduced as early as 1925. S. 972 (Shipstead), 67 *Cong. Rec.* 608, 69th Cong., 1st Sess. (1925). Thereafter until passage of the Act in 1932 there were three separate series of hearings, five committee reports, and extensive floor debate. See "Limiting Scope of Injunctions in Labor Disputes," *Hearings before the Senate Committee on the Judiciary on S. 1482*, 70th Cong., 1st Sess. (1928); "Defining and Limiting the Jurisdiction of Courts Sitting in Equity," *Hearings before the Senate Committee on the Judiciary on S. 2497*, 71st Cong., 2d Sess. (1930); *S. Rep. No. 1060* (with minority views), 71st Cong., 2d Sess. (June 18, 1930); "Defining and Limiting the Jurisdiction of Courts Sitting in Equity," *Hearings Before the House Committee on the Judiciary on H.R. 5315*, 72nd Cong., 1st Sess. (1932); *S. Rep. No. 163* (with minority views), 72nd Cong., 1st Sess. (February 4, 1932); *H. Rep. No. 669*, 72nd Cong., 1st Sess. (March 2, 1932); *H. Rep. No. 793* (Conference), 72nd Cong., 1st Sess. (March 14, 1932); *H. Rep. No. 821*, 72nd Cong., 1st Sess. (March 16, 1932); *Senate Debates and Remarks*, 72nd Cong., 1st Sess., 75 *Cong. Rec.* 202, 3370-3372, 4052-4053, 4502-4511, 4591, 4616,

Finally, for the reasons set forth by the court of appeals (422 F.2d at 984; Pet. A-11-12), the decision of this Court in *United States v. United Mine Workers*, 330 U.S. 258, 289-93 (1947), supports the decision below.[9]

4. The important policy considerations that support the rule announced by the lower court are evidenced by the ancient credentials of the judicial power to preserve the *status quo* so as to accord the right to appellate review. This case, moreover, illustrates in concrete fashion the character of those policy considerations. The substantive holding upon which relief was denied the C&NW by the district court—the ruling that federal courts have no authority to enforce the good faith bargaining commands of Section 2 First of the Railway Labor Act—is, for the reasons set forth in detail in our petition for certiorari in No. 1616, a decision of large importance upon an issue as to which the lower courts are divided. Both the importance of the question and the division among the lower courts is, indeed, clear from the court of appeals opinion. The district court, as the court of appeals observed, granted the injunction

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4618-4630, 4676-4696, 4702, 4754-4780, 4907, 4914-4920, 4927, 4939, 4988, 4996-5019, 5527-5528, 5549-5552, 5950-5952, 6188-6189, 6308, 6327-6329, 6448-6455 (1931-1932); *House Debates and Remarks*, 72nd Cong., 1st Sess., 75 *Cong. Rec.* 96, 368, 4702, 4939, 5143, 5462-5515, 5560, 5720, 6014, 6017, 6240, 6282, 6334, 6337, 6493-6494, 6690 (1931-1932).

[9]Petitioner's notion that *Mine Workers* "is, in fact, contrary to the *ratio decidendi*" of the decision below (Pet. p. 6) is frivolous. It is true, of course, as petitioner says, that in *Mine Workers* this Court held that the Norris-LaGuardia prohibitions do not apply where the federal government is the employer (Pet. p. 6). But the Court also, as the lower court in the case at bar pointed out (422 F.2d at 98; Pet. p. A-11), held that the district court's restraining order would have been valid even if it were subsequently determined that Norris-LaGuardia barred injunctive relief on the merits, because the district court had the power to preserve the status quo pending resolution of the jurisdictional issue posed by Norris-LaGuardia. See 330 U.S. at 289-93.

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that the union had not bargained in good fai
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because the district court disagreed with the
decision of the
Court of Appeals for the Fourth Circuit, as
well as of other
federal courts (see *supra* pp. 3-4 and note 3)
, with respect to
the justiciability of claims based upon Sectio
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Railway Labor Act.

The interests both of equity and of sound judicial administration of the Railway Labor Act would be subverted by so constituting the district court, as the court of appeals put it, "the court of last resort on these matters regardless of the difficulty or novelty of the issues involved." 422 F.2d at 984; Pet. p. A-11. Nor does the policy of protecting labor's right to strike require such a result. If that right is clear, it will presumably be secured promptly by virtue of denial by the trial and appellate tribunals of an injunction pending appeal. If it is not clear, then the decision of the court below means only that its exercise may—depending upon the circumstances of the case—be deferred until an appellate tribunal determines the issue. If the union urges, that appellate review can, of course, be expedited, as it was in this case (see *supra* p. 5). A contrary rule, on the other hand, which would free the union to strike even where it seemed likely that the district court's decision would be reversed, would often result in the exercise of a "right" that did not exist on a proper view of the law. A rule that produces such consequences is not necessary to secure the right to strike. Surely it is enough to say

that *if* the case falls within Norris-LaGuardia the union cannot be enjoined from striking even though its actions are illegal, without saying in addition that the courts are without jurisdiction to preserve the *status quo* so that the court of appeals may resolve a close question as to *whether* the case falls within Norris-LaGuardia.

Conclusion

For the reasons set forth above, the petition for certiorari should be denied.

Respectfully submitted,

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